

1  
2  
3 UNITED STATES DISTRICT COURT

## 4 DISTRICT OF NEVADA

5 \* \* \*

6 STEVE MURRAY,

Case No.: 3:25-cv-00123-MMD-CSD

7 Plaintiff,

ORDER

8 v.

9 KENNETH WILLIAMS, *et al.*,

10 Defendants.

11 *Pro se* Plaintiff Steve Murray, who is currently incarcerated in the custody of the  
12 Nevada Department of Corrections at Northern Nevada Correctional Center (“NNCC”),  
13 filed a civil rights complaint under 42 U.S.C. § 1983 against Dr. Benson, Dr. Voss, Dr.  
14 Bijjula, Dr. Williams, Director of Nursing (“DON”) Lucas, DON Isaacson, Brendal, John  
15 Doe 1 (when his or her identity is learned), Medekith, Kris, and John Doe 2 (when his or  
16 her identity is learned) for events that allegedly happened while he was incarcerated at  
17 NNCC. (ECF Nos. 1, 1-1.) The Court allowed him to proceed on Eighth Amendment  
18 deliberate indifference to serious medical needs claims against the above-named  
19 defendants. (ECF No. 5.) Murray subsequently filed a motion for temporary restraining  
20 order (“TRO”) and/or preliminary injunction (“PI”) asserting inadequate treatment by  
21 prison medical personnel for his blood cancer and seeking an order that he be (1)  
22 scheduled for an appointment with an oncologist; and (2) permitted to undergo regular  
23 phlebotomies until his cancer returns to remission.<sup>1</sup> (ECF Nos. 10, 11 (collectively referred  
24 to as “Motion”); see *also* ECF No. 28 at 3.) Before the Court is the Report and  
25 Recommendation (“R&R”) of United States Magistrate Judge Craig S. Denney (ECF No.  
26 28), recommending the Court denies the Motion. (ECF No. 28 at 8-9.) To date, no

27  
28 <sup>1</sup>Judge Denney held a hearing on the Motion on July 2, 2025, where Director of  
Nursing, Christy Coss, was present. (ECF No. 26.)

1 objections to the R&R have been filed. Because there is no objection, and, as further  
2 explained below, the Court will adopt the R&R.

3 Because there is no objection, the Court need not conduct de novo review, and is  
4 satisfied that Judge Denney did not clearly err. *See United States v. Reyna-Tapia*, 328  
5 F.3d 1114, 1116 (9th Cir. 2003) (“De novo review of the magistrate judges’ findings and  
6 recommendations is required if, but *only* if, one or both parties file objections to the  
7 findings and recommendations.” (emphasis in original)). First, Judge Denney  
8 recommends the Court deny the Motion to the extent Murray requests an appointment  
9 with an oncologist, as he was seen by an oncologist (Dr. Bijjula) in May 2025, and,  
10 according to Nurse Coss, has a follow-up appointment scheduled for July 2025. (ECF No.  
11 28 at 5.) Second, Judge Denney recommends the Court deny the Motion insofar as  
12 Murray requests regular phlebotomies, as this treatment has not been ordered by his  
13 oncologist and reflects a disagreement between the specialist’s recommended course of  
14 treatment and Murray’s personal belief about the care he should receive. (*Id.* at 5-6.)  
15 Here, Murray provides insufficient evidence to support his claim that phlebotomy could  
16 temporarily correct his blood condition. (*Id.* at 7.) Murray also fails to show that additional  
17 phlebotomies were medically indicated or that the decision not to provide them was  
18 “medically unacceptable under the circumstances” or made “in conscious disregard of an  
19 excessive risk” to his health, which is the required standard under an Eighth Amendment  
20 deliberate indifference to serious medical needs claim in the context of a physician-  
21 prisoner difference of opinion. (*Id.*) Moreover, there is insufficient evidence to support  
22 Murray’s claim that his cancer progressed because of a failure to receive phlebotomies.  
23 (*Id.*) Having reviewed the R&R, Judge Denney did not clearly err.

24 ///

25 ///

26 ///

27 ///

1 It is therefore ordered that Judge Denney's Report and Recommendation (ECF  
2 No. 28) is accepted and adopted in full.

3 It is further ordered that Murray's motions for TRO and for PI (ECF Nos. 10, 11)  
4 are denied.

5 DATED THIS 29<sup>th</sup> Day of July 2025.

6  
7 

8  
9 

---

MIRANDA M. DU  
UNITED STATES DISTRICT JUDGE